

REMARKS

The claims in the application are claims 4 to 8, 10, 11 and 13 to 15, all other claims having been cancelled.

Claims 4, 5 and 10 to 16 were rejected under 35 USC 103 as being obvious over Hsia et al or Kleijnen or Blumenthal supported by O'Reilly in view of McCharge et al. The Examiner cites Hsia as showing ginkgo biloba extract enhancing memory, absent mindedness, confusion, headaches and the like and Kleijnen as teaching ginkgo for treating cerebral confusion such as memory, absent mindedness, depression and the like. Blumenthal is cited as teaching ginkgo biloba extracts used to treat memory performances, blood flow and memory deficiency and O'Reilly is cited to show ginkgo biloba extracts. The Examiner concedes Hsia, Blumenthal or Kleijnen do not teach treating withdrawal symptoms associated with substance dependency or withdrawal symptoms but cites Remington as teaching withdrawal symptoms as being central nervous systems disturbances and McCharge as teaching tobacco/nicotine withdrawal symptoms to be irritability, anxiety, difficulty concentrating, restlessness and insomnia and http://www.netdoctor.co.uk/smoking/withdrawalsymptoms_000507.htm disclosure of nicotine/tobacco withdrawal symptoms as irritation, anger. The Examiner concludes it would be obvious to use ginkgo extracts to relieve addition or substance dependency.

Applicant traverses these grounds of rejection since as conceded by the Examiner the primary references do not teach alleviating withdrawal symptoms associated with

substance abuse or addition and McChargue is not a proper reference since it has a publication date of January 5, 1998. The present application has a priority date of December 3, 1997 and Applicant will provide an English translation shortly. The htm reference is not a reference since it was published Nov. 9, 2006. Therefore, the rejection falls.

Applicant's invention is directed to alleviating withdrawal symptoms associated with additive substances such as alcohol, amphetamines and morphine by administration to humans in need thereof an amount of Ginkgo biloba extract sufficient to treat the withdrawal symptoms. Claim 11 has been amended to more clearly bring this out.

Remington's pharmaceutical Sciences (1981) describes with full details the withdrawal symptoms due to dependency to addictive substance i.e. alcohol, amphetamine and morphine but also symptoms following relatively short period of intake of the addictive substance. For example, the symptom following a relatively short period of heavy drinking period could not be considered as withdrawal symptoms because a drinker is not addicted to alcohol. Especially on page 1291, right column, the document teaches that "a relatively short period of heavy drinking may be followed by headache, nausea and vomiting, general malaise and slight tremulousness during the drying-out period". The drinker having these symptoms is not addicted to alcohol. So the headache symptom described here is a symptom following a relatively short period of intake of alcohol for a user which is not addicted to alcohol. Moreover, Remington's pharmaceutical Sciences document teaches that long periods of intense intoxication may,

upon withdrawal, result in delirium tremens, a syndrome characterized by increased autonomic activity, agitation, disorientation, severe tremors or convulsive seizures and frightening hallucinations usually of a visual form.” On page 1291, right column.

None of the other cited references teaches that Ginkgo biloba extract permits one to treat delirium tremens, agitation, disorientation, severe tremors or convulsive seizures and frightening hallucinations usually of a visual form. Applicant believes that there is a confusion in the mind of the Examiner between “withdrawal symptoms” and symptom following a relatively short period of intake of addictive substance for a user who is not addicted.

None of the pharmacological effects described by Kleijnen (difficulties of concentration and of memory, absent mindedness, confusion, lack energy, tiredness, decreased physical performance, depressive mood, anxiety, dizziness, tinnitus, headache...) are symptoms of the withdrawal symptoms following period of addiction. None of the pharmacological effects described by Blumenthal (memory performance, compensation of disturbed equilibrium, blood flow improvement, dizziness, tinnitus...) are symptoms of the withdrawal symptoms following period of addiction. O'Reilly is not a relevant document but only a general teaching on the use Ginkgo biloba extract to treat elderly people using a reduce dosage, with detailed composition of use.

Therefore, the rejection fails.

In view of the amendments to the claims and the above remarks, it is believed that the claims point out Applicant's patentable contribution. Therefore, favorable reconsideration of the application is requested.

Respectfully submitted,
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Enclosures